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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,875	06/30/2000	Stephen J. Tolopka	042390.P6656	9982

7590 08/18/2004  
Blakely Sokoloff Taylor & Zafman LLP  
12400 Wilshire Boulevard Seventh Floor  
Los Angeles, CA 90025

EXAMINER
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NGUYEN BA, HOANG VU A

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 08/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/607,875	<b>Applicant(s)</b> TOLOPKA, STEPHEN J.	
	<b>Examiner</b> Hoang-Vu A Nguyen-Ba	<b>Art Unit</b> 2122	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is responsive to the amendment dated May 13, 2004.
2. Per Applicant's request, claims 1, 7, and 14 have been amended. Claims 1-20 remain pending.

### *Response to Argument(s)*

3. Applicant's arguments filed June 24, 2003 have been fully considered but they are not persuasive. The rejection of claims 1-5, 7-11, 13-18 and 20 under 35 U.S.C. § 102(e) as being anticipated by Eide and the rejection of claims 6, 12 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Eide in view of Internet Engineering Task Force are herein maintained and reproduced hereinafter for Applicant's inconvenience. Following is the examiner's response to Applicant's arguments.

With respect to claim 1, Applicant has argued the following:

While Examiner likens Eide's "resource data structure" (Eide column 9, line 1) to Applicant's mapping table, there is a fundamental difference that Examiner fails to point out. Where Eide's resource data structure is a structure specifically designed to store information about a single device, Applicant's mapping table is an index to a plurality of devices in the system. Applicant's mapping table is one data structure meant to act as a centralized index lookup table for multiple devices and their associated device drivers. Eide might very well utilize one resource data structure for each device in the system, but in no way does he disclose any processes of centralizing these data structures into one contiguous table that would be used to look up a plurality of devices. Rather, Eide's implementation is per device and, thus, there is no centralized concept for all devices referred to whatsoever in Eide's method. Therefore, it is inherently obvious that Eide's resource data structure is fundamentally different from Applicant's centralized mapping table index of a plurality of devices and their respective driver address locations.

In response, the examiner notes the following:

Applicant has added the limitation "a plurality of" before the previously claimed limitation "unique identifiers of devices" and before the previously claimed

limitation “updatable addresses of drivers specific to each device” in an attempt to avoid the teaching of Eide because of the following reasons:

a. first, before the currently amendment, the previously claimed limitations “unique identifiers devices” and “updatable addresses of drivers” were already in plural (see emphasis added). Therefore, adding “a plurality of” before these previously claimed limitations does not further limit these limitations and does not, as a result, clearly distinguish the instant claims over Eide;

b. second, contrarily to Applicant’s argument that Eide does not teach “a plurality of unique identifiers of devices,” “a plurality of addresses of drivers” and a centralized “mapping table” index of a plurality of devices and their respective driver address locations, the examiner submits that Eide does indeed teach the above limitations. See Figure 5 and related discussion in the specification and section 13:65 – 14:5 which shows that the information contained in the data structure of HRI (hardware resource information) object 114 is managed by HRI Manager 120 which uses a UID (Unique Identifier) map or table that includes pluralities of entries, with each entry mapping a UID to particular hardware driver pointer. Eide does therefore teach Applicant’s centralized mapping table index of a plurality of devices and their respective driver address locations.

Further regarding claim 1, Applicant has argued the following:

The most obvious fundamental difference is that Eide’s method would require N number of resources data structures for N devices in the system, whereas Applicant’s method would require 1 mapping table only for N devices in the system.

In response, the examiner notes that although the information relating to devices is being stored in the data structure of HRI object 114, the mapping function is actually performed by the HRI manager which uses a single UID map or table that

includes a plurality of entries, with each entry mapping a UID to a particular hardware driver pointer (13:65 – 14:5).

With respect to claims 2-5, Applicant has argued that Eide does not anticipate these claims for at least the same reasons advanced with respect to claim 1. In response, the examiner notes that since claims 2-5 depend from claim 1, the same reasoning discussed in conjunction with claim 1 also applies to these claims.

With respect to claims 7 and 14, Applicant has argued that Eide does not anticipate these claims for at least the same reasons advanced with respect to claim 1. In response, the examiner notes that since claims 7 and 14 recite the same features of claim 1, the same reasoning discussed in conjunction with claim 1 also applies to these claims.

With respect to claims 8-11 and 13, Applicant has argued that Eide does not anticipate these claims for at least the same reasons advanced with respect to claim 7. In response, the examiner notes that since claims 8-11 and 13 depend from claim 7, the same reasoning discussed in conjunction with claim 7 also applies to these claims.

With respect to claims 15-18 and 20, Applicant has argued that Eide does not anticipate these claims for at least the same reasons advanced with respect to claim 14. In response, the examiner notes that since claims 15-18 and 20 depend from claim 14, the same reasoning discussed in conjunction with claim 14 also applies to these claims.

With respect to claims 6, 12 and 19, Applicant has argued the following:

Thus, for at least the same reasons advanced above with respect to independent claim 1, Applicant respectfully submits that Eide and Task Force, taken alone or in combination, do not render this dependent claim obvious.

In response, the examiner notes that Applicant has not discussed why the features recited in these claims are not rendered obvious by the combination of Eide and Task Force. Instead, Applicant only submitted that just because of their dependency from claims 1, 7 and 14, respectively, claims 6, 12 and 19 are not obvious over the Eide-Task Force combination. As a result, the same reasoning discussed in conjunction with claims 1, 7 and 14 is also deemed to apply to these claims.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-5, 7-11, 13-18 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,243,774 B1 to Eide et al. ("Eide").

#### **Claims 1, 7 and 14**

Eide discloses at least:

*identifying a device by a unique identifier* (see at least Figure 2, items 40, 42; Figure 5; and related discussion in the specification);

*obtaining the unique identifier* (see at least Figure 2, items 40, 42; Figure 5; and related discussion in the specification); *and*

*using the unique identifier in conjunction with a mapping table, wherein the mapping table contains at least a column containing a plurality of unique identifiers of devices coupled to a column containing a plurality of updateable addresses of drivers specific to each device, to obtain an address of a driver for the device (see at least Figure 2, items 40, 44; Figure 5; and related discussion in the specification).*

**Claims 2, 8 and 15**

Eide further discloses that *wherein program instructions obtain the unique identifier (see at least 7:58 – 8:30).*

**Claims 3, 9 and 16**

Eide further discloses *wherein the driver is obtained from a storage device (see at least 8:56 - 9:52).*

**Claims 4, 10 and 17**

Eide further discloses *wherein the mapping table also contains one or more columns that include additional information about the device, the device driver, or the device and the device driver (see at least Figure 2, item 40, i.e., resource data structure, and related discussion in the specification).*

**Claims 5, 11 and 18**

Eide further discloses *wherein the mapping table address is obtained from the device (see at least 8:56 - 9:52).*

**Claims 13 and 20**



Eide further discloses that the *unique identifier is represented by one of a manufacturer, a device class, a model number and a subnumber* (see at least 8:56 - 9:52).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6, 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over in view of Internet Engineering Task Force ("Task Force"), Simple Service Discovery Protocol/1.0, Operating without an Arbiter, October 29, 1999.

### **Claims 6, 12 and 19**

Eide does not specifically disclose *wherein the mapping table address is obtained by using a service discovery protocol*. However, Task Force discloses a mechanism to allow HTTP clients and Http resources to discover each other in local area network (see at least 2.1 Problem Statement) so that any clients who come on-line after the service came on-line will discover the desired service by sending out a discovery request, thereby making the mechanism more efficient (see at least 2.3.1.3).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the Simple Service Discovery Protocol in combination with Eide because the feature would make Eide's concurrent maintenance operations more efficient.

### *Conclusion*

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu "Antony" Nguyen-Ba whose telephone number is (703) 305-0103. The examiner can normally be reached on Tuesday-Friday, 6:00 to 16:15.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

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Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in cursive script, reading "Hoangm Anthony Nguyenba".

**ANTONY NGUYEN-BA  
PRIMARY EXAMINER**

Art Unit 2122

August 10, 2004